

Maritime law in nigeria essay sample

Law



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The earth is viewed as a liquid planet as 70% of it is covered by water. The oceans are critical to States' interests and human prosperity, being a highway for commerce, a shared resource and a vector for threats to security. The oceans are the highway for 90% of the world's international trade and provide 40% of the protein consumed in the developing world . The importance of the sea to mankind underscores the need for the regulation of commerce and navigation on the sea and all navigable waters in order to maintain symmetry among nations.

National and international legislation on matters such as delineation of boundaries, customs and excise regulation, fishing, natural resources, research, military activities, environmental protection and pollution, human rights and employment issues usually relating to the crew; insurance claims; property damage, the implications of stowaways on vessels, personal injuries; wreck and salvage; piracy; and container and passenger liner matters had to be developed.

The branch of law which covers and regulates this array of matters is Maritime Law. With time, the principles of maritime law were developed and refined. However it must be noted that although general maritime law has developed internationally, it operates under the auspices and laws of an individual country as each nation bases its own maritime law on the general international regulations with the modifications and qualifications it deems essential and suitable to its particular needs.

Nigeria is a coastal state, it has coastal boundary and inland water ways and has had to enact laws to govern the industry and drive the development of

her economy. This is in addition to various International Conventions and treaties it has ratified and domesticated. The global fall in oil prices and the need to diversify Nigeria's economy has brought to fore the possibility of the maritime industry being a viable option for the generation of revenue by the government.

There is therefore a need to appraise the extant legal machinery governing the maritime industry and gauge their effectiveness or otherwise in the scheme of things. The Nigerian maritime industry portends and exudes great prospects and frontiers of capacity that if properly harnessed will serve to extend and enhance the nation's development and prosperity. In Nigeria, maritime matters and services are found under the Exclusive Legislative List of the 1999 Constitution as amended and as such are covered by a considerable number of Federal Laws.

These are but not limited to the following:

(a) Carriage of Goods by Sea Act, 1926 Cap. C2 Laws of the Federation of Nigeria, 2004;

(b) Admiralty Jurisdiction Act, 1991, Cap. A5, Law of the Federation of Nigeria, 2004;

(c) Coastal and Inland Shipping (Cabotage) Act, 2003;

(d) Nigerian Ports Authority Act 1999 Cap. N126, Laws of the Federation of Nigeria, 2004;

(e) Merchant Shipping Act 1962, Cap. M11 Law of the Federation of Nigeria, 2004;

(f) Nigerian Shippers Council Act, 1977, Cap.

N133 Laws of the Federation of Nigeria 2004, (g) Nigerian Maritime Administration and Safety Agency Act, 2007 etc. Upon review of the statutes governing the maritime industry in Nigeria, it will be gathered that the institutional framework for the successful implementation of these laws are:

(a) Nigerian Maritime Administration and Safety Agency (NIMASA),

(b) Nigerian Ports Authority (NPA),

(c) National Inland Waterways Authority (NIWA),

(d) Nigerian Chamber of Shipping,

(e) Nigerian Shippers Council

(f) The Nigerian Navy,

(g) The ministry of Transportation

This thesis attempts an evaluation and review of the legal, regulatory and institutional framework their workings, challenges and prospects and how these can be optimally utilized to create an enabling environment for revenue generation, job creation, economic growth and accelerate development of Nigeria's defence and security system.

1. 2 STATEMENT OF THE RESEARCH PROBLEM Nigeria has a littoral boundary of 853 Kilometers, 3, 122 Kilometers, navigable rivers and lakes (Buba, 2016).

Nigeria's maritime sector is the oldest established sector in the country. It has been since the early eighteenth century when there was massive trade being undertaken with Nigeria's colonial masters . The maritime industry has a myriad of activities including; the ports, terminal operators, maritime transportation, cargo and freight, seafaring, haulage, to mention a few all of which have the potential to generate the second highest income after petroleum (Agbakoba, 2015).

Unfortunately, over the years, this potential money-spinner has been totally neglected by the government not minding the fact that the maritime industry is estimated to be capable of generating 40, 000, 000 jobs and N7 trillion annually . An in-depth look at the activities in the maritime industry shows that there is a dearth in implementation and practice therein. The issue is whether the legal regime and the institutional framework of the industry are effective in building and enhancing its capacity to its apogee thereby attaining the objects for which they were developed.

While a lot has been done to develop the sector, its performance still leaves a lot to be desired. In order get the optimal value of the industry and maximize its potentials, there will need to be an overhaul of policy, institutional, regulatory and legal framework. Accordingly, this work seeks to appraise the legislative and institutional framework of maritime laws and

institutions in Nigeria with a view to proffering recommendations to perceived and apparent shortfalls therein.

1. 2. 1 RESEARCH QUESTION

To what extent have the extant Maritime Laws and Institutions in Nigeria achieved their set aims and objectives and how can they be enhanced?

1. 3 AIM AND OBJECTIVES OF THE STUDY

The aim of the study is to critically review the legal and institutional framework governing the maritime industry intent upon proffering pragmatic solutions and suggestions for enhancing its capacity. The objectives of this thesis are:

- To examine the legal regime and institutional framework of the maritime industry in Nigeria
- Determine the effectiveness, workability and extent of the success of the entire regime governing the maritime industry in Nigeria
- Identify the factors that have militated against the implementations, workings and the realization of the goal for which they were fashioned.
- Suggest practical ways to create an enabling environment for the actualization of the objectives for which the regime governing the maritime industry was developed.